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INTELLECTUAL PROPERTY
402-391-4448

December 10, 2005

10328 PINEHURST AVE.
OMAHA, NEBRASKA 68124

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF LIPHARDT TITLED "ALIGNMENT OF ELLIPSOMETER BEAM TO SAMPLE SURFACE";
SERIAL NO. 10/684,088;
FILE DATE: 10/12/2003;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI

Dear Sir;

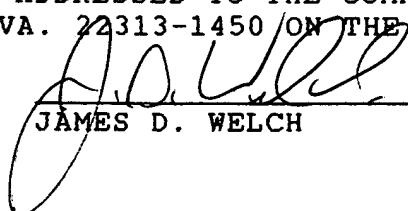
I am in receipt of an Action dated 12/06/05 regarding the identified Application.

The Examiner has identified Section 112 problems in Claims 19 and 20 and rejected Claims 1-20 based on Patents to Xu et al. No. 6,590,656 and to Rosencwaig et al. No. 6,297,880 under Sections 102 and 103.

It is noted quickly noted that neither Xu et al. nor any other cited references, describes a sample/stage which is rotatable about "X" and "Y" axes. Said cited references describe stages which can be translated in X and Y directions only. They do not suggest the stage rotation capability which is critical to the operation of the present invention in aligning a sample surface so that a normal thereto, (as identified by adjusted coincidence of a first beam of electromagnetic radiation), projects in a direction with a known relationship to a second beam of electromagnetic radiation which is caused to approach the sample surface obliquely.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.


JAMES D. WELCH

12/12/05
DATE